S. B. Civil Misc. Application No.110/2006
in
S. B. Civil Misc. Appeal No.1023/2004.
(National Insurance Co. Ltd. v. Himmat Singh & Others)

Date of Order: : 19-01-2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.Rajesh Panwar, for appellant.
Mr.Jagdish Vyas, for respondents.

This Court, while dismissing te appeal of the Insurance Company, directed the Insurance Company to deposit the compensation amount in the Tribunal and permitted the appellant to move a proper application before the Tribunal, so that the appropriate orders may be passed by the Tribunal in the light of the decision given by the Apex Court in the judgment of Nanjappan's case.

The claimants submitted this application that despite the order of this Court passed on 28th July, 2004 and after passing of more than two years, the appellant – Insurance Company could not obtain security and could not get the amount from the owner of the vehicle.

Therefore, I do not find any reason to deprive the claimants from the benefit given vide award of the Motor Accident Claims Tribunal dated 27th September, 2003. The benefit cannot be denied to the claimant for more period.

The application is allowed. The claimants shall be entitled to withdraw the amount deposited by the Insurance Company in the Accident Claims Tribunal in Claim Case No.53/98 decided by the Tribunal on 27.09.2003.

(PRAKASH TATIA), J.

Scd.